



07-28-04

IFW 3762

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gust H. Bardy et al.

Confirmation No.: 5225

Serial No.: 09/940,340

Examiner: K. Schaetzle

Filing Date: August 27, 2001

Group Art Unit: 3762

Docket No.: 1201.1107101

Customer No.: 28075

For: SUBCUTANEOUS ELECTRODE FOR TRANSTHORACIC CONDUCTION WITH
LOW PROFILE INSTALLATION APPENDAGE AND METHOD OF DOING SAME

TRANSMITTAL SHEET

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certified that this paper or papers, as described herein are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EV 314494896 US, in an envelope addressed to:
Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on this 27th day of July 2004.

By Kathleen L. Bookley
Kathleen L. Bookley

We are transmitting herewith the attached:

- [XX] Amendment
[XX] No additional claim fee required
[] The claim fee has been calculated as shown:

CLAIMS AS AMENDED							
	(3)	(4)	(5)	SMALL ENTITY		OTHER	
	REMAINING CLAIMS	HIGHEST PAID	EXTRA	RATE	ADD'L FEE	RATE	ADD'L FEE
TOTAL CLAIMS	-	=		X 9=	\$	X 18=	\$
INDEPENDENT CLAIMS	-	=		X 43=	\$	X 86 =	\$
() FIRST MULTIPLE DEPENDENT CLAIM				+ 145 =	\$	+ 290 =	\$
TOTAL				\$		\$	

[] A check in the amount of \$_____ is enclosed. Itemization:

Fee Code _____ \$

Fee Code _____ \$

Fee Code _____ \$

[XX] Small entity status of this application under 37 C.F.R. §§ 1.9 and 1.27 has been established.

[XX] Other: COPY OF OIPE DATE-STAMPED POSTCARD, COPY OF NOVEMBER 12, 2003 INFORMATION DISCLOSURE STATEMENT, COPY OF NOVEMBER 12, 2003 FORM PTO-1449, 45 CITED NON-U.S. PATENT/PUBLICATION REFERENCES, 38 SHEETS OF REPLACEMENT DRAWINGS, STATEMENT UNDER 37 CFR § 1.125, MARKED-UP SPECIFICATION, AND CLEAN SUBSTITUTE SPECIFICATION.

[XX] Return Receipt Postcard (MPEP 503).

[XXXX] Please charge any deficiencies or credit any overpayment in the enclosed fees to Deposit Account No. 50-0413.

By: _____

J. Scot Wickhem, Reg. No. 41,376

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PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

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By Kathleen L. Boekley
Kathleen L. Boekley

Dear Sir:

This paper is in response to the Office Action mailed April 29, 2004, with a shortened statutory period set to expire on July 29, 2004. This paper is filed within the set period for response such that no extension of time is necessary.

Please consider the following amendments and/or remarks:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Amendments to the Drawings begin on page 36 of this paper and include 38 replacement sheets.

Remarks/Arguments begin on page 37 of this paper.

An **Appendix**, including amended drawing figures, is attached following page 42 of this paper.